



Littler Mendelson, P.C.
290 Broadhollow Road
Suite 305
Melville, NY 11747

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Daniel Gomez-Sanchez
631.247.4713 direct
631.247.4700 main
631.824.9249 fax
dsgomez@littler.com

VIA ECF

The Honorable Jack B. Weinstein
United States District Judge
United States District Court
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Abdullayeva v. Attending Homecare Services, LLC
No. 17 cv 05951 (JBW)(SJB)

Dear Judge Weinstein:

As the Court is aware, this firm represents Attending Home Care Services, LLC ("Defendant") in the above-referenced matter. We write to request that the Court issue an order compelling Plaintiff to comply with the Court's order mandating arbitration, and requiring Plaintiff to pay Defendant's costs, within seven (7) days.

By way of background, the Second Circuit issued a Mandate on September 10, 2019 of its Judgment remanding the action to this Court with "directions to compel arbitration and stay further proceedings pending arbitration." See ECF Doc. 55. On September 18, 2019, this Court issued an order consistent with the Second Circuit's judgment stating that the, "case is set down for arbitration by the parties in view of the Court of Appeals' remand indicating that arbitration was appropriate." See ECF Doc. 56. On September 26, 2019, this Court entered the Statement of Costs from the Second Circuit indicating that costs were taxed in the amount of \$1,201.00 in favor of Defendant. See ECF Doc. 57.

Despite numerous teleconferences and correspondence with Plaintiff's counsel, and promises by Plaintiff's counsel to discuss this matter in the future, Plaintiff has not made any effort to arbitrate this matter in accordance with the Court's Order requiring arbitration. Moreover, Plaintiff has not paid the costs awarded to Defendant.

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Accordingly, Defendant requests that the Court issue an Order requiring Plaintiff to file for arbitration within seven (7) days so that such proceedings will commence consistent with the Court's Order, and to pay Defendant's costs within seven (7) days.

Thank you for the Court's consideration of this request.

Respectfully submitted,

Littler Mendelson, P.C.

/s/ Daniel Gomez-Sanchez

Daniel Gomez-Sanchez

cc: All attorneys of record (via ECF)

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